

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**WILLIAM HINES**

**PLAINTIFF**

**v.**

**No. 1:08CV306-GHD-DAS**

**SUSAN BAKER, ET AL.**

**DEFENDANTS**

**REPORT AND RECOMMENDATIONS**

The court takes up, *sua sponte*, the dismissal of this prisoner case filed pursuant to 42 U.S.C. § 1983. A clerk's entry dated October 19, 2009, indicates that an order of the court mailed to the prisoner plaintiff at Winston-Choctaw County Regional Correctional Facility in Louisville, MS, was returned as undeliverable. The returned mailed also contained a notation indicating that the inmate is no longer at the facility. Because the plaintiff has failed to keep the court informed of his current address, it will be impossible to communicate matters of scheduling to him and resolve this litigation in a timely manner. Furthermore, by Order (# 9) of this court dated February 3, 2009, the plaintiff was warned that failure to keep the court informed of his current address could result in dismissal of this lawsuit. Therefore, it is my recommendation that this case be dismissed with prejudice for failure to prosecute pursuant to FED.R.CIV.P. 41(b).

The parties are referred to Local Rule 72.2(D) for the applicable procedure in the event any party desires to file objections to the findings and recommendations herein contained. The parties are warned that any such objections are required to be in writing and must be filed within ten days of this date. Failure to timely file written objections to the proposed findings, conclusions and recommendations contained in this report will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings

and legal conclusions accepted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Respectfully submitted this 12th day of November, 2009.

/s/ David A. Sanders  
**UNITED STATES MAGISTRATE JUDGE**